

the same may be returnable, by mail, in a cover sealed up and duly addressed; but the non-return of such process by the time hereinbefore limited shall not be excused by any evidence which such sheriff may offer to prove that such writ or process was deposited in the postoffice to be so transmitted, except the positive affidavit in writing of the said sheriff himself, setting forth substantially the process so transmitted, the return endorsed thereon, the manner in which the same was covered and addressed, and the actual time when the same was deposited in the postoffice.

1904, art. 87, sec. 20. 1888, art. 87, sec. 19. 1860, art. 88, sec. 22. 1817, ch. 139, sec. 7.

20. If the court before which said sheriff shall be brought for contempt shall be satisfied of the facts contained in such affidavit, and that such process was deposited in the proper postoffice in due time to be transmitted to the court to which the same was returnable, the said court may remit the fine aforesaid and discharge the sheriff from the attachment on payment of the costs arising from the proceedings had in consequence of the non-return of the writ or process; and the court shall direct the affidavit to be filed and their judgment in relation thereto to be entered on the record of their proceedings; but nothing herein contained shall in any manner affect the remedy given the party aggrieved, by the succeeding section, for the neglect or delay of the sheriff in not making a due return of said process.

Ibid. sec. 21. 1888, art. 87, sec. 20. 1860, art. 88, sec. 23. 1815, ch. 149, sec. 1.

21. When any process shall be issued from any circuit court for a county, or the court of common pleas, or the superior court of Baltimore city, or the circuit court or the circuit court No 2 of Baltimore city, or the Baltimore city court, directed to the sheriff of another county or the said city, and the sheriff to whom the same shall be directed shall neglect to make due return thereof to the court to which such process may be made returnable, such court may, on motion and on proof of the delivery of such process to said sheriff, amerce said sheriff in a sum not exceeding two hundred dollars and enter judgment against him for the amercement so imposed in the name of the State, but for the use of the party aggrieved by the neglect of said sheriff; which judgment shall be as valid as if rendered upon verdict and the party for whose use the same shall have been entered may sue out execution thereon.

Death, Resignation or Removal From the County or City.

Ibid. sec. 22. 1888, art. 87, sec. 21. 1860, art. 88, sec. 24. 1842, ch. 272, sec. 2.

22. If any sheriff shall die, either before or after the expiration of his term of service, having in his hands any writ or process, executed or unexecuted, or in part executed, his executor shall forthwith return the same to the clerk or register of the court out of which it issued,